IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr. Appeal No.100 of 1993.

Date of Decision: October 30, 2007.

State of H. P. Appellant.

Versus

Ramesh Kumar Respondent.

Coram

Hon'ble Mr. Justice Surjit Singh, J.

Hon'ble Mr. Justice Surinder Singh, J.

Whether approved for reporting[1]? No.

For the appellant : Mr. S.D. Vasudeva, Addl. Advocate General with Mr. D.S. Nainta, Dy. Advocate General.

For the respondent : Mr. R.K.Bawa, Senior Advocate, with Mr Inderjeet Narwal, Advocate.

Surjit Singh, J. (Oral)

Heard and gone through the record. Respondent was sent up for trial for the offence of murder, punishable under Section 302, I.P.C. on the allegation that he had murdered his father's elder brother on 12-1-1992. The respondent took the plea of insanity. Trial Court has accepted his plea and acquitted him. This appeal is directed by the State against the judgment of his acquittal.

We have perused the record and the judgment of learned trial Court. All the eye witnesses examined by the prosecution stated in no uncertain terms that the respondent at the relevant time had been having fits of insanity and had been behaving in a violent manner. They all have stated that the act was committed by him in a fit of insanity. Besides the eye witnesses, there is evidence of a Psychiatric namely, CW1 Dr. N.K.

---

[1] Whether reporters of the Local papers are allowed to see the judgment?

Sharma, Head of Department of Psychiatry, Indira Gandhi Medical College, Shimla who stated that on examination of the accused on 17th and 18th January, 1992, it was found that he was suffering from Schizophrenia from Psychosis, i.e, acute schizophrenic episode. In the cross-examination, he admitted that in the category of schizophrenia, in which the ailment of the respondent falls, the possibility of the patient becoming violent cannot be ruled out.

In view of the above said position, we find no ground for interference with the judgment of the trial Court. Hence the appeal is dismissed.

(Surjit Singh), J.

(Surinder Singh), J.

October 30, 2007.
(bm)